



PATENT #13
Attorney Docket No. 046124-5025-US
10/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 08 2002

In re Application of:)

Yukio KATO et al.)

Application No.: 09/555,342)

Filed: May 26, 2000)

For: HUMAN FETUS CHONDROCYTE -)
DERIVED GENE)

Group Art Unit: 1642

TECH CENTER 1600/2900

Examiner: Minh-Tam Davis

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Office Action (Paper No. 12) dated July 2, 2002.

2. Additional papers enclosed:

[X] None

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

[] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

10/07/02 09:00:00 00000044 500310 09553342

01/11/02 09:00:00 00000044 500310 09553342

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,400.00	\$980.00

Extension of time fee due with this request: \$400.00.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	Minus	37	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	15	minus	15	0	x \$84 each=	+ \$
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by 2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

☐ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge deposit account No. 50-0310 in the amount of \$400.00 for a two-month extension of time.

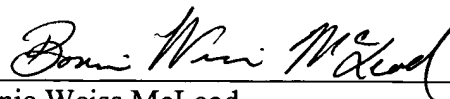
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 2, 2002

By:


Bonnie Weiss McLeod
Reg. No. 43,255

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